
Demonstrators

What are my rights in a protest, march or demonstration situation?

The *Canadian Charter of Rights and Freedoms* guarantees certain rights and fundamental freedoms, including the freedoms of opinion, expression and peaceful assembly.

Section 2 of the Charter states: Everyone has the following fundamental freedoms:

- freedom of conscience and religion;
- freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- freedom of peaceful assembly; and
- freedom of peaceful association.

These Rights Are Not Without Limits

The Supreme Court has recognized that "freedom of expression does not extend to protect threats of violence or acts of violence. It would not protect the destruction of property, assaults, or other clearly unlawful conduct." In addition, in some cases, the reasonable limits prescribed by law will also apply.

Section 1 of the Charter, which provides for limitations on rights and freedoms, states: 1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The following is a list of some of the relevant *Criminal Code* sections that limit certain activities:

- blocking or obstructing a highway (Section 423(1)(g))
- causing a disturbance (Section 175)
- common nuisance (Section 180)
- interfering with transportation facilities (Section 248)
- breach of the peace or imminent breach (Section 31)
- offensive volatile substance (Section 178)
- riots (Sections 32, 33, 64, 65, 67, 68, 69)
- unlawful assembly (Section 63)
- mischief (Section 430)

An arrest for breach of the peace, whether under the *Criminal Code* or the common law, does not result in a charge. The purpose of an arrest for breach of peace is to restore order.

There are numerous other *Criminal Code* sections that may also apply to protest situations. In addition to the *Criminal Code*, limitations on protest activities are also contained in provincial statutes, such as the *Highway Traffic Act*, and in municipal by-laws.

Planning a demonstration?

The Ottawa Police Service will work with the event organizers and other stakeholders to ensure a safe environment for a demonstration. We recognize the importance of freedoms and of all other protections in the *Charter*. The police remain

committed to ensuring that *Charter* guaranteed rights and freedoms are upheld, while ensuring that police officers carry out their sworn duties.

Police Liaison Team

Our Police Liaison Team (PLT) are part of the OPS response to events such as demonstrations, protests, rallies, marches, vigils and labour disputes.

PLT work with individuals or groups to facilitate peaceful events and are a great resource for those planning on organizing or attending an event.

What to know before you go

- Your rights
- The role of police
- Consider your actions
- Communicate with police pre-event
- When actions could result in charges
- Know the local by-laws
- Understand the consequences
- Ask questions
- Working together is better for everyone

Gather to peacefully assert your rights

- Gather to peacefully assert your rights
- Express your thoughts, beliefs and opinions
- Get your messaging out in a lawful way
- Have freedom of association

The *Canadian Charter of Rights and Freedoms* guarantees certain rights and fundamental freedoms. Section 2 of the Charter guarantees your right to believe what you choose, and to express your values. The OPS recognizes the importance of fundamental freedoms and all other protections in the *Charter*.

IF YOU'RE NOT SURE, ASK:

- Is this considered a peaceful/lawful event?
- Does this event require a permit?
- Am I allowed to wear a mask?

Though all Canadians are entitled to rights and freedoms, Section 1 of the *Charter* calls for certain limitations. Rights and freedoms are not without responsibilities.

The Supreme Court of Canada has recognized that freedoms in *the Charter* cannot be extended to protect and justify threats or acts of violence like assault, destruction of property, or unlawful conduct.

Restrictions

- Block or obstruct a highway
- Breach the peace
- Cause a disturbance, take part in a riot

- Wear a mask or disguise during an unlawful assembly, or, with intent to commit an indictable offence
- Disobey a court order
- Harm or injure anyone
- Possess weapons of any kind including substances such as tear gas

The *Criminal Code of Canada* and/or "Case Law" contains various provisions that act to limit or control certain activities related to public demonstrations.

KNOW THE CONSEQUENCES

There also may be provincial and municipal statutes that apply during demonstrations such as the *Highway Traffic Act*. Protesting unlawfully has the potential to affect your future in various ways.

Charges resulting in a criminal record, could result in things like:

- Travel limitations
- Possibility of limited employment prospects
- Impacts when obtaining insurance or renting housing
- Further legal consequences if breaching a court order

All demonstration planning should begin with a permit application to the [City of Ottawa](#). There is no cost for this service and it allows all city stakeholders to be informed of any impacts on their areas of responsibility (i.e. OC Transpo busses re-routed, Fire trucks being aware of routes that may cause delays etc.).

What duties do police have during demonstrations?

Police officers have a sworn duty to preserve the peace, prevent offences, enforce the law, protect property, preserve life and protect against serious injury, among other duties. These duties have their basis in common law and statutes, including the *Ontario Police Services Act* and the *Criminal Code of Canada*.

The Ottawa Police Service's Objectives for demonstrations are:

- maintain public order and preserve the peace;
- remain neutral where possible and facilitate the building of trust between police, participants and the community;
- ensure the safety and security of the public and the emergency services personnel;
- minimize disruption for Ottawa residents, businesses and visitors;
- identify and assess threat and risk and develop contingency plans to mitigate where required;
- provide security commensurate to the threat level, and;
- enforce laws and investigate offences where warranted while respecting the democratic freedoms of thought, belief, opinion, expression and peaceful assembly.

Contact Us

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